

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF BOILERMAKERS' AND
BLACKSMITHS' LODGE 169 VACATION
FUND, TRUSTEES OF BOILERMAKERS'
AND BLACKSMITHS' LODGE 169
EMPLOYEE SECURITY FUND,
TRUSTEES OF BOILERMAKERS' AND
BLACKSMITHS' LODGE 169 SICK AND
DISABLED FUND, TRUSTEES OF
BOILERMAKERS' AND BLACKSMITHS'
LODGE 169 TRAINING AND WELDING
CERTIFICATION FUND, TRUSTEES OF
BOILERMAKERS' AND BLACKSMITHS'
LODGE 169 SUPPLEMENTAL WELFARE
FUND, and BOILERMAKERS' AND
BLACKSMITHS' LODGE 169,

Case No. 14-14477

HONORABLE STEPHEN J. MURPHY, III

Plaintiffs,

v.

CREATIVE COMPOSITES, INC. and
BRAD McPHEE,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION** (document no. 14), **AND GRANTING
PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT** (document no. 12)

The Plaintiffs, a labor organization and several of its related benefit trust funds, filed a complaint against the Defendants on November 24, 2014, seeking unpaid fringe benefit contributions required under a collective bargaining agreement. ECF No. 1. Plaintiffs also asserted that Defendants failed to pay amounts required under the Michigan Building Contract Fund Act, and that Defendant McPhee breached his fiduciary duty under ERISA. Plaintiffs sought an order compelling an audit to determine what the Defendants owed, and an order directing payment of such funds. The Defendants did not respond to the

complaint, and the Clerk entered an order of default on January 26, 2015. ECF Nos. 10, 11. Plaintiffs filed a motion for entry of judgment of default on June 17, 2015. ECF No. 12. The magistrate judge issued a Report and Recommendation on August 12, 2015, recommending an entry of default. ECF No. 14.

Under Civil Rule 72(b), each party had fourteen days from the date of service to file any written objections to the recommended disposition. Neither party has filed any objections. De novo review of the magistrate judge's findings is therefore not required. See Fed. R. Civ. P. 72(b)(2)–(3) (mandating de novo review only if the parties “serve and file specific written objections to the proposed findings and recommendations”). The Court has reviewed the file and the Report, and finds that the magistrate judge's analysis is proper. Accordingly, the Court adopts the Report's findings and conclusions, and will enter an appropriate judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation (document no. 14) is **ADOPTED**.

IT IS FURTHER ORDERED that the Plaintiffs' Motion for Default Judgment (document no. 12) is **GRANTED**.

IT IS FURTHER ORDERED that the Plaintiffs shall properly provide Defendants with a copy of this order within 14 days.

IT IS FURTHER ORDERED that the Defendants (1) produce the books and records necessary to conduct an audit and submit to such an audit; (2) submit contribution reports for the period of August 30, 2013, to the present; and (3) remit benefit contributions due for the same period. If Defendants fail to submit to the audit within 21 days of receipt of this order, the Court will consider them in contempt.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: September 2, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 2, 2015, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager